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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 Advanced Hair Restoration, LLC,

10 Plaintiff,

11 v.

12 Hair Restoration Centers, LLC,

13 Defendant.
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Case No.: 2:17-cv-00709-RSM

JOINT MOTION TO AMEND CASE
SCHEDULE

15 **I. RELIEF REQUESTED**

16 Pursuant to Fed. R. Civ. P. 16(b)(4) and this Court's May 11, 2017 Order Regarding Initial
17 Disclosures, Joint Status Report, and Early Settlement (Dkt # 5), Plaintiff Advanced Hair
18 Restoration, LLC and Defendant Hair Restoration Centers, LLC jointly move to amend the initial
19 case schedule. Having met and conferred, the parties jointly request that each of these deadlines
20 be extended by 60 days.

21 **II. AUTHORITY**

22 Plaintiff filed suit on May 5, 2017 and this Court issued an Order Regarding Initial
23 Disclosures, Joint Status Report, and Early Settlement shortly thereafter. Dkt. # 1, 5. However,
24 despite several attempts through a process server using the information obtained through the
25 Division of Corporations, Secretary of the State of Florida, Plaintiff was not able to successfully
26 locate and serve the Defendant until June 1, 2017. Defendant retained counsel on June 22 and
27 counsel for the parties briefly conferred later that day. At Defendant's request, Plaintiff agreed to

1 a 30-day extension of time to answer the Complaint, and the parties immediately scheduled a case-
2 scheduling conference for June 26, 2017. This motion follows.

3 This Court may modify case management deadlines for good cause. Fed. R. Civ. P.
4 16(b)(4). Good cause considers the diligence of the parties seeking the modification; a district
5 court may modify the pretrial schedule “if it cannot reasonably be met with the diligence of the
6 party seeking the extension.” *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th
7 Cir. 1992) (quoting Fed. R. Civ. P. 16(b)(4) advisory committee notes (1983)).

8 Good cause exists here. Defense counsel were not retained until June 22, 2017; per the
9 scheduling order the parties were to have already conducted their FRCP 26(f) Conference,
10 presented their initial disclosures, and submitted their Combined Joint State Reports and Discovery
11 Plans. Doc. No. 5 at 1. Clearly, the parties could not have held a FCRP 26(f) conference, provide
12 initial disclosures, or prepared to submit a joint status report until after counsel appeared. However,
13 after counsel appeared, Plaintiff’s counsel immediately initiated communications with Defense
14 counsel and, after conferring, the parties prepared this joint motion. *Accord* Doc. No. 5 at 4.

15 III. CONCLUSION

16 The parties were unable to comply with the Court’s initial scheduling order. Now that all
17 of the parties have appeared, the parties jointly request a 60-day extension on each of the deadlines
18 imposed by the initial order.

19 The parties propose that the Court’s initial scheduling dates be reset, as follows:

20 Deadline for FRCP 26(f) Conference: 8/07/2017

21 Initial Disclosures Pursuant to FRCP 26(a)(1): 8/14/2017

22 Combined Joint Status Report and Discovery
23 Plan as Required by FRCP 26(f)
and Local Civil Rule 26(f): 8/21/2017

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27 STOKES LAWRENCE, P.S.

NEWMAN DU WORS DURRANCE LLP

1 By: s/Leslie C. Ruiter
2 By: s/Lance A. Pelletier
3 Leslie C. Ruiter (WSBA #28090)
4 Lance A. Pelletier (WSBA #49030)
5 Stokes Lawrence, P.S.
6 1420 Fifth Avenue, Suite 3000
7 Seattle, WA 98101
8 (206) 626-6000
9 Fax: (206) 464-1496
10 Leslie.Ruiter@stokeslaw.com
11 Lance.Pelletier@stokeslaw.com
12 Attorneys for Plaintiff Advanced Hair
13 Restoration, LLC

By: s/Nathaniel Eli Durrance
Newman Du Wors Durrance LLP Nathaniel Eli
Durrance (WSBA # 41627)
2101 Fourth Avenue, Suite 1500
Seattle, WA 98121-2336
(206) 274-2833
Fax: (206) 274-2801
nate@newmanlaw.com
Attorneys for Hair Restoration Centers,
LLC

14 DATED this 29th day of June, 2017.

15 **IT IS SO ORDERED.**

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RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE